IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.558 OF 2006.
IN
CRIMINAL APPEAL NO. 508 OF 2006.

Suresh Sudkoji Shirke. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Nitin Sejpal with Ms.Pooja Bhojne for the Applicant.

Ms.S.V.Gajare, A.P.P. for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 24th November, 2006.

P.C.:

1. The Appeal preferred by the Applicant for challenging the order of conviction under section 498A and section 306 of the Indian Penal Code has been admitted. The substantive sentences are directed to run concurrently. The maximum substantive sentence is five years. The Applicant has undergone sentence for about 7 months. The Applicant was on bail throughout the trial and there is no allegation of misuse of liberty.

2. I have heard the Advocate for the Applicant and the learned A.P.P. for the State. I have also perused the notes of evidence in particular evidence of P.W.1 Ramdas and P.W.2 Dattaram. Considering the facts and circumstances of the case, the Applicant deserves to be enlarged on bail.

3. Hence the Application is disposed of by the following order:

i) The Applicant shall be enlarged on the same bail on which he was enlarged during the pendency of the Appeal subject to filing fresh bail bonds.

ii) Bail is granted subject to condition that the Applicant will mark his attendance with Mandangad Police Station, District Ratnagiri, on every first Saturday of every calender month till disposal of the Appeal.

Judge.